

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL 437

6 By: Aldridge

7 COMMITTEE SUBSTITUTE

8 [counties and county officers - removing deputies
9 from certain training - modifying prisoners
supervised by jailer - effective date]

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12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY Section 2, Chapter 180, O.S.L.
14 2005 (19 O.S. Supp. 2006, Section 513.1), is amended to read as
15 follows:

16 Section 513.1 Every sheriff shall require appropriate training
17 for ~~deputies and~~ jailers in accordance with the jail standards
18 promulgated by the State Department of Health. The sheriff shall
19 not permit supervision of any prisoner in the custody of the jail by
20 any person that does not meet the jail standards for training and
21 supervision of inmates. The sheriff or contractor having charge and
22 custody of the jail shall comply with all minimal supervision
23 standards pursuant to the jail standards promulgated by the State
24 Department of Health, except when otherwise provided by law.

1 Nothing in this section shall be construed to prohibit or restrict
2 the sheriff or contractor having charge and custody of the jail from
3 training or cross-training a person as a backup jailer, if otherwise
4 qualified for such position.

5 SECTION 2. AMENDATORY 74 O.S. 2001, Section 192, as last
6 amended by Section 1, Chapter 180, O.S.L. 2005 (74 O.S. Supp. 2006,
7 Section 192), is amended to read as follows:

8 Section 192. A. The State Department of Health shall inspect
9 at least once each year all city and county jails to ensure
10 compliance with the standards promulgated pursuant to the provisions
11 of this section. The standards shall provide provision for:

- 12 1. Uniform admission and release procedures;
- 13 2. Uniform, safe, and sensible security measures;
- 14 3. Proper, fit, and sanitary conditions;
- 15 4. Inmates to be fed a wholesome and adequate diet;
- 16 5. Inmates to have adequate clothing and a living area of no
17 less than forty (40) square feet of floor space per inmate plus
18 twenty (20) square feet of floor space in such living area per each
19 additional inmate in existing facilities, and no less than sixty
20 (60) square feet of floor space per cell for two prisoners in
21 facilities constructed after November 1, 1985. Nothing in this
22 section shall be construed to prohibit double-celling of prisoners,
23 provided there exists no less than forty (40) square feet per
24 initial inmate plus twenty (20) square feet for each additional

1 prisoner. In every ~~barrack-style~~ barracks-style housing area the
2 square footage shall meet the minimum requirements provided in
3 ~~Section 192 of this title~~ section. Such facility shall have showers
4 with hot and cold running water, toilets, and water basins provided
5 in the ratio of not less than one to every twenty prisoners.
6 Counties may build barracks-style jails, single or double cell, to
7 meet the security needs of the county for minimum security
8 prisoners. These jails shall meet all the minimum requirements set
9 forth in this section or any other provision of law. Except as
10 otherwise provided in this section, all facilities under this
11 section shall have showers with hot and cold running water, toilets
12 and water basins provided in the ratio of not less than one to every
13 twenty prisoners. Counties may also build tent jails, which shall
14 be temporary in nature, to meet the security needs of the county for
15 minimum security prisoners. The temporary tent jails shall not be
16 required to meet the minimum requirements set forth in this section
17 or any other provision of law. The State Board of Health shall
18 promulgate minimum standards for temporary tent jails, which
19 standards shall be designed to specifically address and take into
20 consideration the temporary status of the inmate housing needs of
21 the county;

22 6. Inmates to be properly advised of rules of the facility in
23 which they are detained;

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1 7. Staff members to receive training in order to assist them to
2 ~~better perform~~ in performing their assigned tasks, such training to
3 be provided by the Jail Inspection Division of the State Department
4 of Health. All employees who work in direct contact with inmates
5 after the first year of employment shall receive, at a minimum, four
6 (4) hours' review of material as required by the Jail Inspection
7 Division and at a maximum, eight (8) hours of jailer training per
8 year after the first year of employment;

9 8. Proper steps to be taken to ensure the safety and
10 segregation of women, the infirm, and minors;

11 9. Adequate medical care, provided such medical care shall be
12 limited to illnesses or injuries incurred during the time beginning
13 with the arrest and throughout the time of incarceration. This
14 shall not prevent an inmate from applying for assistance and
15 receiving assistance, provided the inmate meets or exceeds
16 established requirements;

17 10. No person to be confined without twenty-four-hour
18 supervision; and

19 11. At least one designated exit in the facility that will
20 permit prompt evacuation of inmates and staff in an emergency. A
21 facility in existence on November 1, 1985, shall not be required to
22 construct additional exits if it has one exit which is deemed
23 adequate by the State Fire Marshal.

1 In the event such inspection shall reveal to the State
2 Department of Health the commission of a crime or crimes incidental
3 to the operations of a city or county jail facility, it shall be the
4 duty of the Department to initiate a complaint with the appropriate
5 district attorney, and to cooperate in the prosecution of the
6 alleged offender in the event an information is filed pursuant to
7 such complaint.

8 B. Any county, city, or town may operate a holding facility for
9 the incarceration of persons under arrest who are to be charged with
10 a crime, which holding facility shall not be required to meet the
11 standards established in this section for jails, as long as no
12 person is held therein for a period longer than twelve (12) hours
13 and as long as an employee of the county, city, or town is available
14 to render aid to or to release any person so confined in the event
15 aid or release is required because of a health or life_endangering
16 emergency.

17 C. Notwithstanding any other provision of law or rule, any
18 county or municipality that operates a jail facility which houses
19 ~~twenty~~ forty or fewer prisoners at all times which:

20 1. Provides twenty-four-hour supervision of prisoner activity
21 that is conducted either by direct observation or electronically by
22 closed_circuit television; and
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1 2. Provides an intercommunication system that terminates in a
2 location that is staffed twenty-four (24) hours a day and is capable
3 of providing an emergency response,
4 shall not be required to have more than one jailer or dispatcher on-
5 site to provide for the security, custody, and supervision of
6 prisoners.

7 D. Any county or municipality that operates a jail facility
8 which houses more than ~~twenty~~ forty and less than seventy-five
9 prisoners at all times which:

10 1. Provides twenty-four-hour supervision of prisoner activity
11 that is conducted either by direct observation or electronically by
12 closed_circuit television; and

13 2. Provides an intercommunication system that terminates in a
14 location that is staffed twenty-four (24) hours a day and is capable
15 of providing an emergency response,
16 shall be required to have more than one jailer or one jailer and at
17 least one other basic CLEET-certified person on the same premises as
18 the jail facility to provide for the security, custody, and
19 supervision of prisoners.

20 Within ninety (90) days after June 9, 1994, the State Board of
21 Health shall promulgate new rules governing square footage
22 requirements, double-celling of prisoners and the ratio of showers,
23 toilets, and water basins to prisoners. The rules so promulgated
24 shall be governed by the guidelines enumerated in this section, and

1 shall be designed to carry out the intent and purpose of the
2 guidelines. Each city or county jail facility in this state shall
3 be in compliance with the rules so promulgated on or before January
4 1, 1995.

5 E. The State Department of Health shall employ inspectors and
6 other personnel as necessary and specifically authorized by the
7 Legislature in order to carry out the provisions of this section and
8 may rent or purchase premises or equipment in order to assist
9 inspectors in the performance of their functions.

10 SECTION 3. This act shall become effective November 1, 2007.

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